

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CROTTY

08 CV 2384

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NAOMI JOHANNES, individually and on behalf of her
infant grandchildren, SIMONE DOMENICK and BRANDYN
AGUILAR,

Plaintiffs,

-against-

NOTICE OF
WITHDRAWAL
OF COMPLAINT

THE ADMISTRATION FOR CHILDREN'S SERVICES,
JOHN MATTINGLY, individually and as Commissioner
of the Administration for Children's Services, BERTINA
CAPIUANO, individually and as the ACS Bronx County
Borough Director, OMO ESERE, individually and as a ACS
supervisor, DOROTHY L. BAKER, individually and as ACS
Supervisor, SHARON SIMMONS, individually and as ACS
caseworker, THE CATHOLIC GUARDIAN SOCIETY, the
CITY OF NEW YORK and the STATE OF NEW YORK,

Defendants.

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| USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: APR 28 2008 |
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Alfredo a Johannes, Esq., an attorney duly admitted to practice before the United State
District Court - Southern District of New York, respectfully certifies as follows:

I am the attorney for the Plaintiffs, am fully familiar with the facts and circumstances
surrounding this action and make this certification in support of Plaintiffs' Notice of Withdrawal
of the Complaint.

With the court's permission Plaintiffs, by counsel, respectfully request that this writing be
accepted as a formal withdrawal of the above-entitled action.

Based upon the recent developments in the Family Court action it now appears that the
issues raised in this Federal action can be addressed in the Family Court and in the State's
Appellate Division.

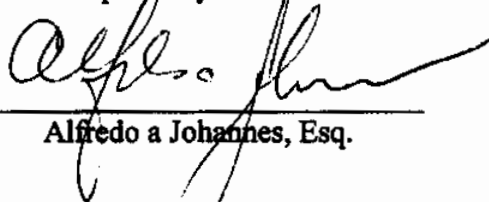
It is still Plaintiff's position, now, as it was in the complaint that abuses complained of are systemic. However, in terms of the action in the Family Court the very commencement of the Federal action curtailed those abuses, at least with respect to the Plaintiffs. Immediately after the commencement of the Federal action the Law Guardian called to make arrangements to see the infant Plaintiffs. She still has not actually seen the infants but at least she has taken a step in the right direction. The Family Court has granted Naomi Johannes permission to present expert witness (es) in her defense. The Family Court has also agreed to provide funds to secure those expert services. The Family Court also issued an order that now allows Naomi Johannes to visit with the infants at home, although Naomi Johannes still remains homeless.

I wish to thank the Court for all the consideration that has been afforded to Plaintiffs and

to myself. *The Clerk of Court is directed to close out this case.*

Certified: New York, New York
April 21, 2008

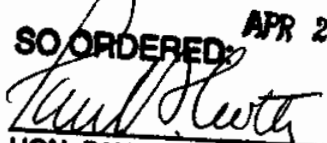
Respectfully submitted


Alfredo a. Johannes, Esq.

Office of the Attorney General
Of the State of New York
Amy Abramowitz, Esq.
Assistant Attorney General

Corporation Counsel of
The City of New York
Jessie Levine, Esq.,
Senior Counsel

David Lore, Esq.
Attorney for the Catholic Guardian Society

SO ORDERED: **APR 28 2008**

HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE

ALFREDO a JOHANNES, ESQ.
ATTORNEY AND COUNSELOR AT LAW

333 EAST 43RD STREET - SUITE 12C ♦ NEW YORK, NEW YORK 10017 ♦ (347) 495-6437 ♦ FAX (718) 659-5171

April 28, 2008

Hon. Judge Crotty
United States District Court
Southern District of New York
VIA ECF

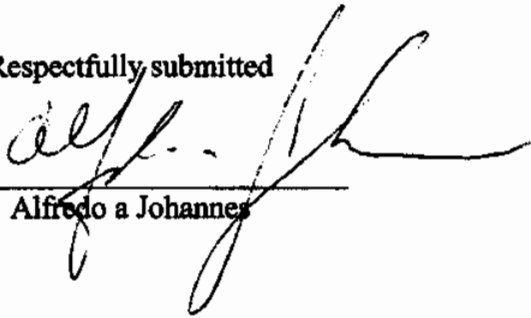
Re: Case No. 08CV2384
Notice of Withdrawal

Dear Hon. Judge Crotty:

I had some difficulty filing the attached Notice of Withdrawal via ECF. I trust that this attempt to file will be successful.

I thank you very much for your kind consideration.

Respectfully submitted



Alfredo a Johannes